



Television has a duty to help keep our children healthy

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Children in Britain watch television, on average, for 15 hours a week. That's a lot, and it's one reason they're getting fatter, we're told. But their health isn't helped by the fact that government regulators are hooked on TV too – or at least, it seems, hooked up with the broadcast firms that make it.

Ofcom, the media regulator, is trying to decide how to restrict television advertising of junk food to children. The adverts affect what children eat, and the logic is that limiting airtime would see improvements in their health. Yet Ofcom's consultation, which ended recently, has attracted a legal challenge from a respected health charity and drawn public criticism from the government's own Food Standards Agency.

The shenanigans centre on a proposal to ban all adverts for highly fatty, salty or sugary foods – HFSS in the jargon – before the 9pm watershed. This is what the Food Standards Agency, health charities and children's groups say should happen. Ofcom agrees that it would make a bigger difference than other proposals – but excluded it from the consultation on the grounds that it would "impose a disproportionate impact upon broadcasters". Needless to say, the broadcasters agree.

But what does Ofcom mean by disproportionate? The consultation paper itself gives little clue. How do we go about sensibly weighing up children's health with advertising income? Can the right balance ever be more than a hunch?

The problem with regulating by hunch, of course, is that different people – in this case even different regulators – have different hunches. Is public opinion a guide? It can and should be, but here we have little to go on. Ofcom says that the parents it surveyed didn't rate a ban on junk food adverts before the watershed as a high priority – "only" 48% favoured that option. But that's twice as many as opposed it.

In any case, the survey just gauged gut reactions. My own hunch, for what it's worth, is that support for the ban would have been stronger had people had more chance to chew over the figures.

So how do the sums add up? Well, the social and health benefits of a pre-watershed ban are at least similar to the amount such a measure would cost broadcasters. Indeed, if you take the more generous of two ways that government number-crunchers put a price on life, the benefits would be vastly greater.

Ofcom adds that TV adverts have a relatively modest effect on people's food choices – as if to suggest this means we shouldn't take the benefits of a ban so seriously. But the whole point of the figures is that they already take that into account. Indeed, the benefits fall to the public at large, while the costs are carried by companies. To compare like with like, Ofcom needs to work out how far these private costs might hurt taxpayers.

Thankfully, you don't make policy just by totting up costs and benefits – decisions are also meant to be fair. Perhaps, then, Ofcom doesn't want broadcasters to be unfairly penalised when there are many other groups that shape what children eat. But since we're talking about public harm here, that worry is frankly insane; like saying it's unfair to catch fraudsters if we don't catch burglars too. We should hold both to account.

Anyway, food companies, schools and the health service are being cajoled or required to take responsibility for their influence on children's diets – at a cost. Why shouldn't broadcasters too?

Ofcom's final excuse could be that, compared with the next best option, the extra benefits of a pre-watershed ban come at a high price for broadcasters. But behind the figures are real children with a right to good health. For all the recent fuss over human-rights legislation the rules still apply, including the UN Convention on the Rights of the Child, which legally obliges Ofcom to do all it can to provide a full and healthy life for all children. That includes those extra kids whose health might cost broadcasters a few pennies more.

It is part of Ofcom's job to watch television – but perhaps it should get out more instead. It clearly can't see right when it has square eyes.